



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2062

Introduced 2/10/2011, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

225 ILCS 447/15-5
225 ILCS 447/45-55
225 ILCS 447/45-65 new

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides an exemption from the provisions of the Act relating to licensure of private detectives for persons who engage in providing computer forensics services. Deletes a Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board member's approval for the Department of Financial and Professional Regulation to issue a subpoena. Permits the Department to disclose information and documents related to an examination or investigation of a licensee or applicant only to law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Provides that any formal complaint against a licensee filed with the Department or an order issued by the Department against a licensee or applicant shall be a public record. Effective immediately.

LRB097 10263 CEL 50466 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 15-5 and 45-55 and by adding
7 Section 45-65 as follows:

8 (225 ILCS 447/15-5)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 15-5. Exemptions; private detective. The provisions
11 of this Act relating to the licensure of private detectives do
12 not apply to any of the following:

13 (1) An employee of the United States, Illinois, or a
14 political subdivision of either while the employee is
15 engaged in the performance of his or her official duties
16 within the scope of his or her employment. However, any
17 such person who offers his or her services as a private
18 detective or uses a similar title when these services are
19 performed for compensation or other consideration, whether
20 received directly or indirectly, is subject to this Act.

21 (2) A person, firm, or other entity engaged exclusively
22 in tracing and compiling lineage or ancestry who does not
23 hold himself or herself out to be a private detective.

1 (3) A person engaged exclusively in obtaining and
2 furnishing information as to the financial rating or
3 creditworthiness of persons or a person who provides
4 reports in connection with (i) consumer credit
5 transactions, (ii) information for employment purposes, or
6 (iii) information for the underwriting of consumer
7 insurance.

8 (4) Insurance adjusters employed or under contract as
9 adjusters who engage in no other investigative activities
10 other than those directly connected with adjustment of
11 claims against an insurance company or a self-insured
12 entity by which they are employed or with which they have a
13 contract. No insurance adjuster or company may use the term
14 "investigation" or any derivative thereof, in its name or
15 in its advertising.

16 (5) A person, firm, or other entity engaged in
17 providing computer forensics services so long as the
18 person, firm, or other entity does not hold himself or
19 herself out to be a private detective. For the purposes of
20 this subsection "computer forensics services" means a
21 branch of forensic science pertaining to the recovery and
22 analysis of electronically stored information.

23 (Source: P.A. 93-438, eff. 8-5-03.)

24 (225 ILCS 447/45-55)

25 (Section scheduled to be repealed on January 1, 2014)

1 Sec. 45-55. Subpoenas.

2 (a) The Department, ~~with the approval of a member of the~~
3 ~~Board,~~ may subpoena and bring before it any person to take the
4 oral or written testimony or compel the production of any
5 books, papers, records, or any other documents that the
6 Secretary or his or her designee deems relevant or material to
7 any such investigation or hearing conducted by the Department
8 with the same fees and in the same manner as prescribed in
9 civil cases in the courts of this State.

10 (b) Any circuit court, upon the application of the
11 licensee, the Department, the designated hearing officer, or
12 the Board, may order the attendance and testimony of witnesses
13 and the production of relevant documents, files, records, books
14 and papers in connection with any hearing or investigation. The
15 circuit court may compel obedience to its order by proceedings
16 for contempt.

17 (c) The Secretary, the hearing officer, any member of the
18 Board, or a certified shorthand court reporter may administer
19 oaths at any hearing the Department conducts. Notwithstanding
20 any other statute or Department rule to the contrary, all
21 requests for testimony, production of documents or records
22 shall be in accordance with this Act.

23 (Source: P.A. 95-613, eff. 9-11-07; 96-1445, eff. 8-20-10.)

24 (225 ILCS 447/45-65 new)

25 Sec. 45-65. Confidentiality. All information collected by

1 the Department in the course of an examination or investigation
2 of a licensee or applicant, including, but not limited to, any
3 complaint against a licensee filed with the Department and
4 information collected to investigate any such complaint, shall
5 be maintained for the confidential use of the Department and
6 shall not be disclosed. The Department may not disclose the
7 information to anyone other than law enforcement officials,
8 other regulatory agencies that have an appropriate regulatory
9 interest as determined by the Secretary, or to a party
10 presenting a lawful subpoena to the Department. Information and
11 documents disclosed to a federal, State, county, or local law
12 enforcement agency shall not be disclosed by the agency for any
13 purpose to any other agency or person. A formal complaint filed
14 against a licensee by the Department or any order issued by the
15 Department against a licensee or applicant shall be a public
16 record, except as otherwise prohibited by law.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.